

August 23, 2007

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> St. NW  
Washington, D.C. 20554

***Ex Parte Filing in WT Docket Nos. 07-16 and 07-30***

Dear Secretary Dortch,

On August 22, 2007, Mr. Harold Feld of the Media Access Project, Mr. Michael Calabrese and Mr. Sascha Meinrath of the New America Foundation, Mr. Shawn Chang of Free Press, and myself on behalf of Public Knowledge, met with Bruce Gottlieb, Legal Advisor to Commissioner Michael Copps, concerning the use of the 2155-2175 MHz band. We urged the Commission to ensure that any licensee authorized to use this spectrum band must abide by provisions to serve the public interest, such as build-out requirements, wholesale access, net neutrality, open attachment of devices and other provisions. We also discussed the possibility of using this spectrum for unlicensed devices and the legal status of the pending applications to use this band.

We also said that if the Commission decided to auction the spectrum, it should consider alternates to the existing one-time payment auction. For example, oil and gas drilling auctions are conducted by the parties pledging a percentage of revenue derived from the lease for the length of the lease to the federal government on an annual basis, similar to the 5% used for DTV ancillary services and proposed by M2Z. Finally, we explained that we could not support mandatory filtering, which raises significant First Amendment concerns. Mandatory filtering, even for free service, also violates the "end-to-end" principle of internet architecture, which the Commission should embrace as critical to innovation and free speech.

Pursuant to Section 1.1206 of the Commission's Rules, we hereby submit this notice regarding this *ex parte* meeting in the above-referenced proceeding. Please direct any questions to the undersigned.

Sincerely,

/s/ John Windhausen, Jr. /s/



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cc: Bruce Gottlieb

